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JC979 U.S. PTO

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AIRE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application of

Friese, et al.

United States Postal Service Express Mail
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Reissue of Patent No. 6,074,694

Granted: June 13, 2000

PROCESS OF APPLYING MATERIAL,
IN PARTICULAR FOR THE
PRODUCTION OF ELECTRODES FOR
EXHAUST GAS SENSORS

JC979 U.S. PTO
09/918901
07/31/01

Box REISSUE

Assistant Commissioner for Patents
Washington, D.C. 20231

REISSUE APPLICATION TRANSMITTAL

Sir:

Transmitted herewith is the application for reissue of U.S. Patent No. 6,074,694 issued on June 13, 2000, to Karl-Hermann Friese, Siegfried Nees, Frank Stanglmeier, and Hans Baumann, and titled PROCESS OF APPLYING MATERIAL, IN PARTICULAR FOR THE PRODUCTION OF ELECTRODES FOR EXHAUST GAS SENSORS.

1. Specification, Claim(s) and Drawings(s)

- (a) 10 pages of specification (including claims)
 1 page of abstract
- (b) 3 sheets of drawing
 - No changes in the drawings upon which the original patent was issued are to be made. Therefore, in accordance with 37 CFR 1.174, please find attached, in the size required for original drawings:
 - a copy of the printed drawings of the patent.
 - a photoprint of the original drawings.

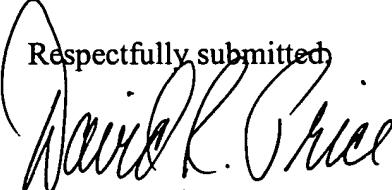
2. Return Receipt Postcard

3. A Request by the Applicants for the Declaration of an Interference with an Unexpired Patent under 37 CFR §1.607
4. No filing fee is included at this time.

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Respectfully submitted



David R. Price
Reg. No. 31,557

Date: July 31, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

Reissue Patent Application of

Friese et al.

Reissue of Patent No. 6,074,694

Granted: June 13, 2000

Serial No. Not Yet Known

Filed: July 31, 2001

Examiner: Not Yet Known

PROCESS OF APPLYING
MATERIAL, IN PARTICULAR FOR
THE PRODUCTION OF
ELECTRODES FOR EXHAUST GAS
SENSORS

REQUEST BY APPLICANTS FOR INTERFERENCE WITH PATENT UNDER
37 CFR §1.607

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 CFR §1.607(a), the Applicants seek to have an interference declared between the above-identified reissue patent application (hereinafter "the Reissue Application") and an unexpired patent. In accordance with 37 CFR §1.607(a)(1), the patent is U.S. Patent No. 6,096,372 (hereinafter "the '372 Patent").

The Applicants present a proposed Count A in accordance with 37 CFR §1.607(a)(2) as follows:

Proposed Count A. A method for manufacturing an O₂ sensor element having a cup-shaped solid electrolyte member having an inside space with an opening, and an inside electrode provided on an inside surface of the solid electrolyte member within the inside space, the method comprising steps of:

preparing a nozzle having a paste discharge hole at a front end thereof, the paste discharge hole being for discharging conductive paste for forming the inside electrode;

inserting the front end of the nozzle into the inside space of the solid electrolyte member;

relatively rotating the paste discharge hole of the nozzle with respect to the solid electrolyte member along the inside surface of the solid electrolyte member while discharging the paste from the paste discharge hole onto the inside surface of the solid electrolyte member; and

removing the nozzle from the solid electrolyte member.

At least claim 1 of the '372 Patent corresponds substantially to proposed Count A in accordance with 37 CFR §1.607(a)(4), as shown in Table 1 below.

Table 1

Count A

A method for manufacturing an O₂ sensor element having a cup-shaped solid electrolyte member having an inside space with an opening, and an inside electrode provided on an inside surface of the solid electrolyte member within the inside space, the method comprising steps of:

preparing a nozzle having a paste discharge hole at a front end thereof, the paste discharge hole being for discharging conductive paste for forming the inside electrode;

inserting the front end of the nozzle into the inside space of the solid electrolyte member;

relatively rotating the paste discharge hole of the nozzle with respect to the solid electrolyte member along the inside surface of the solid electrolyte member while discharging the paste from the paste discharge hole onto the inside surface of the solid electrolyte member; and

removing the nozzle from the solid electrolyte member.

Claim 1 of U.S. Patent 6,096,372

A method for manufacturing an O₂ sensor element having a cup-shaped solid electrolyte member having an inside space with an opening, [an outside electrode provided on an outside surface of the solid electrolyte member,] and an inside electrode provided on an inside surface of the solid electrolyte member within the inside space, the method comprising steps of:

preparing a nozzle having a paste discharge hole at a front end thereof, the paste discharge hole being for discharging conductive paste for forming the inside electrode;

inserting the front end of the nozzle into the inside space of the solid electrolyte member;

relatively rotating the paste discharge hole of the nozzle with respect to the solid electrolyte member along the inside surface of the solid electrolyte member while discharging the paste from the paste discharge hole onto the inside surface of the solid electrolyte member; and

removing the nozzle from the solid electrolyte member; [and]

[baking the solid electrolyte member].

Proposed Count A is copied exactly from claim 1 of the '372 Patent except that

(1) the language "an outside electrode provided on an outside surface of the solid electrolyte member" has been removed from the preamble, and (2) the step of "baking the solid electrolyte member" has been removed. These differences are illustrated in Table 1 using the standard bracketing and underlining conventions. With these changes, proposed Count A is slightly broader than claim 1 of the '372 Patent. The limitations present in the '372 Patent claim 1 and absent in the proposed Count A are well known features, the presence of which are obvious to those of skill in the art.

In addition to claim 1 of the '372 Patent, the Applicants submit that claims 4-11 of the '372 Patent correspond substantially to proposed Count A.

Newly added claim 19 of the Reissue Application corresponds exactly to proposed Count A in accordance with 37 CFR §1.607(a)(4).

The Applicants further submit that claims 1, 7-9, 12-14, 17, 18 and 20 of the Reissue Application also correspond substantially to proposed Count A in accordance with 37 CFR §1.607(a)(4).

Table 2 sets forth the location of the support for the language contained in new claim 19.

Table 2

| <u>Claim 19</u> | <u>Location of Support</u> |
|---|--|
| A method for manufacturing an O ₂ sensor element having a cup-shaped solid electrolyte member having an inside space with an opening, and an inside electrode provided on an inside surface of the solid electrolyte member within the inside space, the method comprising steps of: | Col. 5, lines 37-39, 51 and 52, and Col. 5, line 67— Col. 6, line 2. See Figs. 1 and 2. |
| preparing a nozzle having a paste discharge hole at a front end thereof, the paste discharge hole being for discharging conductive paste for forming the inside electrode; | Col. 3, line 55—Col. 4, line 23. See Figs. 1-5. |
| inserting the front end of the nozzle into the inside space of the solid electrolyte member; | Col. 5, lines 51 and 52. See Figs. 1 and 2. |
| relatively rotating the paste discharge hole of the nozzle with respect to the solid electrolyte member along the inside surface of the solid electrolyte member while discharging the paste from the paste discharge hole onto the inside surface of the solid electrolyte member; and | Col. 5, line 64—Col. 6, line 2. See Figs. 1 and 2. |
| removing the nozzle from the solid electrolyte member. | Col. 6, lines 2-5. See Fig. 2. |

Newly added claims 17 and 18 of the Reissue Application are exactly the same as claims 1 and 4 of the '372 Patent, respectively, in accordance with 37 CFR §1.607(c).

Newly added claim 20 includes the exact same limitation of claim 4 of the '372 Patent, but depends from new claim 19, which, as discussed above, is slightly different from claim 1 of the '372 Patent (the base claim for claim 4 of the '372 Patent).

It is further submitted that new claims 17-20 have been filed on July 31, 2001, satisfying the requirements of 35 U.S.C. 135(b), which states that a claim which is the same as or substantially the same subject matter as, a claim of an issued patent shall be made prior to one year from the date on which the patent was granted (August 1, 2000 for the '372 Patent).

This Reissue Application is entitled to the priority of U.S. Patent No. 6,074,694, which was filed on April 10, 1997 as Application Serial No. 08/827,679. Application Serial No. 08/827,679 is entitled to the priority of German Patent Application Serial No. 196 14 147, which was filed on April 10, 1996. The '372 Patent issued from Application Serial No. 09/010,839, which was filed on January 22, 1998. Application Serial No. 09/010,839 is entitled to the priority of Japanese Patent Application No. 9-26034, which was filed on January 23, 1997.

In light of the foregoing, the Applicants respectfully request that an interference be declared between the Reissue Application and the '372 Patent, and that Friese et al. (the Applicants herein) be named "Senior Party" in the interference.

Respectfully submitted,



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